

TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



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March 23, 2015

Via E-mail (Jennifer.Dougherty@dec.ny.gov)
Confirmation Copy Via First Class Mail

Jennifer Dougherty
Assistant Regional Attorney
Division of Environmental Enforcement
New York State Department of Environmental Conservation
Office of General Counsel, Region 9
270 Michigan Avenue
Buffalo, NY 14203-2915

Dear Ms. Dougherty:

Re: Reply to Request for Information: 7105 Lockport Road, Town of Niagara
New York State Inactive Hazardous Waste Disposal Site No.: 932163

Thank you for your letter to me dated February 23rd in which you stated that it is believed that benzene hexachloride ("BHC") waste and filter cake were disposed at a portion of the property located at 7105 Lockport Road and requested that the Town of Niagara provide any information that it has concerning the generation and/or disposal of BHC and BHC-related waste at the site from 1940 to 1970.

In response to your request, I looked into the matter, including discussing it with a number of Town employees and representatives, and have learned the following:

The Town property located at 7105 Lockport Road is comprised of two parcels. SBL 131.19-1-17 is the parcel upon which the Town Hall and the Highway Department portion and half of the Police Department portion of the Town Garage is located. SBL 131.20-1-1 is the adjacent parcel to the east upon which the remaining portion of the Town Garage is located (Water and Sewer Departments and half of the Police Department).

According to a deed that we were able to find in Town files, it appears that the Town purchased SBL 131-20-1-1 in 1974. According to that deed, the prior owner was Arthur A. Spina. From what we have been able to tell without having a title search, it appears that the Town purchased SBL 131.19-1-17 in or around 1959, possibly from Jessie F. Schweitzer, with the older portion of the Town Garage constructed in or around 1961.

No one I spoke with at the Town knew anything about Arthur A. Spina, Jessie F. Schweitzer, or prior uses of the Site, including anything about the generation and/or disposal of BHC and BHC-related waste at the site.

As you know, after noticing an odor in 2013, preliminary investigation results indicated fill, containing materials including filter cake, was found in test pits excavated behind the Town Garage in the rear yard towards the railroad tracks. The fill appeared to be on both parcels described above as the parcel boundary line runs through the Town Garage building and rear yard.

From discussions with your Department, our engineering consultant understands that similar BHC wastes including BHC-filter cake have been found at other locations in Niagara County and that the source of the waste was from Niagara Falls chemical-producing plants several decades ago. We specifically recall that in the 1980's, there had been a discovery of similar BHC wastes including BHC-filter cake at the Charles Gibson Site (Registry of Inactive Hazardous Waste Site No. 932063) at Niagara Falls Boulevard and Tuscarora Road in the Town of Niagara. Those wastes had been generated by a local chemical manufacturer and disposed as fill in a low-lying area between 1955 and 1957 according to the Registry description. It seems likely that, given the unique type of waste such as BHC filter cake found at the Lockport Road site, the Charles Gibson site and other locations in Niagara County, that the source of the waste and time period of disposal is the same. Like these other locations, as a vacant low-lying area near the railroad tracks, the Lockport Road site would have been a convenient area to dispose the waste as fill in the 1950's or earlier, prior to the Town's ownership and occupancy of the site.

The Town has made a good faith effort to answer your information request based on information now known to it and reserves the right to supplement these responses. Please let me know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee S. Wallace", with a stylized, cursive script.

Lee Wallace
Supervisor

cc: Paul D. Meosky, Hodgson Russ LLC